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ATTEST

By April Layne on Apr 10, 2008

FOR THE UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATIONUNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

Apr 10, 2008

FILED
CLERK'S OFFICEUNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATIONIN RE: TRAIN DERAILMENT NEAR TYRONE,
OKLAHOMA, ON APRIL 21, 2005

MDL No. 1936

TRANSFER ORDER

Before the entire Panel*: Kawasaki Kisen Kaisha, Ltd. and "K" Line America, Inc. – plaintiffs in the Illinois action and defendants/third-party plaintiffs in some of the New York actions – have moved, pursuant to 28 U.S.C. § 1407, for coordinated or consolidated pretrial proceedings of this litigation in the Southern District of New York. Illinois defendants CMT International, Inc., and Plano Molding Co. oppose the motion.

This litigation presently consists of one group of actions and a more recent action as listed on Schedule A and pending in two districts as follows: eight consolidated actions in the Southern District of New York and one action in the Northern District of Illinois.

On the basis of the papers filed and hearing session held, we find that the actions in this litigation involve common questions of fact, and that centralization under Section 1407 in the Southern District of New York will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. While the consolidated New York actions and Illinois action involve somewhat different legal claims, all actions share factual questions arising out of the April 2005 train derailment near Tyrone, Oklahoma, relating to the cause or causes of the derailment and the respective liability of the parties under various bills of lading. Centralization under Section 1407 will eliminate duplicative discovery; avoid inconsistent pretrial rulings; and conserve the resources of the parties, their counsel and the judiciary.

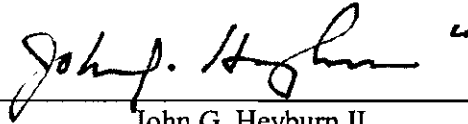
We further find that the Southern District of New York is an appropriate transferee district for this litigation, because the consolidated New York actions are proceeding expeditiously there before Judge Barbara S. Jones, who has already developed familiarity with the issues involved as a result of presiding over motion practice and other pretrial proceedings for the past two years.

* Judge Scirica took no part in the disposition of this matter.

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IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the action pending in the Northern District of Illinois and listed on Schedule A is transferred to the Southern District of New York and, with the consent of that court, assigned to the Honorable Barbara S. Jones for coordinated or consolidated pretrial proceedings with the actions pending there and listed on Schedule A.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in black ink, appearing to read "John G. Heyburn II", is written over a horizontal line.

John G. Heyburn II
Chairman

D. Lowell Jensen
Robert L. Miller, Jr.
David R. Hansen

J. Frederick Motz
Kathryn H. Vratil
Anthony J. Scirica

**IN RE: TRAIN DERAILMENT NEAR TYRONE,
OKLAHOMA, ON APRIL 21, 2005**

MDL No. 1936

SCHEDULE A

Northern District of Illinois

Kawasaki Kisen Kaisha, Ltd., et al. v. CMT International, Inc., et al., C.A. No. 1:07-5675

Southern District of New York

Indemnity Insurance Co. of North America v. K-Line America, Inc., et al.,
C.A. No. 1:06-615

Royal & Sun Alliance Insurance PLC v. K-Line America, Inc., et al., C.A. No. 1:06-2557

Mitsui Sumitomo Insurance Co., Ltd., et al. v. K-Line America, Inc., et al.,
C.A. No. 1:06-2956

Phillips PC Peripherals, et al. v. M/V Chang Jiang Bridge, et al., C.A. No. 1:06-2962

Federal Insurance Co. v. K-Line America, Inc., et al., C.A. No. 1:06-3038

ACK Controls, Inc. v. K-Line America, Inc., et al., C.A. No. 1:06-3040

Navigators Management Co., etc. v. Union Pacific Railroad Co., et al.,
C.A. No. 1:06-3042

Tokio Marine & Nichido Fire Insurance Co., Ltd., et al. v. Kawasaki Kisen Kaisha, Ltd., et al.,
C.A. No. 1:06-5159